THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.24878 OF 2005

DATED:22.11.2005

Between:

Natha Raja Gopal and others

…Petitioners

And

The Municipal Corporation of Cuddapah

Represented by its Commissioner, Cuddapah

Cuddapah District and others

…Respondents

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ORDER:

The three petitioners are residents of Kadapa town. They own houses in R.K.M. Street. It appears that Kadapa Municipal Council passed a resolution on 14.10.2005 proposing to widen road from N.T.R. Junction to Seven-roads Junction (Railway Station Road) from existing 50' to 60'. The petitioners allege that officials of respondents 2 and 3 came to the petitioners' property and marked a portion for demolition for the purpose of widening road. Therefore, placing reliance on the judgment of this Court in **P. Lakshmana Rao v. Executive Officer, Gram Panchayat** present Writ Petition is filed seeking a direction to the respondents not to demolish the commercial complex where the petitioners are having shops.

Learned Standing Counsel for Kadapa Municipal Corporation, Sri S.I.Newton, after getting instructions submits that pursuant to resolution of Kadapa Municipal Council, six committees were formed and the matter is under consideration. He further submits that the officials of the Kadapa Municipal Corporation have not visited the petitioners' premises nor any marking was made.

After considering the rival submissions, this Court is of considered opinion that the Writ Petition is filed on mere apprehension without there being any concrete steps taken by the Kadapa Municipal Corporation. However, if the land of the petitioners is to be acquired, the Corporation shall have to necessarily follow the procedure contemplated either under Section 146 or under Section 147 of the Hyderabad Municipal Corporation Act, 1955, which is applicable to Kadapa Municipal Corporation also.

The Writ Petition, with the above observations, is accordingly dismissed.

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22.11.2005 (V.V.S.RAO, J)

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